THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.15662/2005

Dt. 25-4-2006

1. Sirigireddy Ramalakshumma and others ..Petitioners

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1.The Government of Andhra Pradesh, represented by its Secretary, Irrigation & Command Area Department, Irrigation, Vempalli, Kadapa District and others.

..Respondents.

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ORAL ORDER

The petitioners 1 to 4 who are owning Ac.1-75 cents each in S.No.144 and petitioner No.5 who is owning Ac.1-00 cents in S.No.145/2 and Ac.2-00 in S.No.146 situate at Vemula village, Kadapa District filed the present writ petition contending that due to increase of the weir level of Gantasala tank, the lands of the petitioners would get submerged and without following due procedure as contemplated under the Land Acquisition Act, 1894, the respondents cannot deprive the rights of the petitioners over the said property, and they can do the same, only after initiation of land acquisition proceedings.

The Assistant Executive Engineer, Irrigation Department, Vempalli, Kadapa District filed counter-affidavit stating that restoration of Gantasala tank is taken up for raising the bund and weir (Alugu) to store more water to stabilize the existing ayacut and also to bring additional ayacut under irrigation and to increase ground water table in the influencing zone. To that effect, the lands in S.Nos.136/2, 144, 145/2, 145/3, 173/1,175,181 and 183/1 get partly submerged. The land owners whose lands were getting submerged gave consent to the effect that they don't have any objection for submersion of their lands and will not claim any compensation for submergence of their lands as the work is beneficial in the area and dry lands get enough water through the bore wells recharged from the tank. It is further stated that the lands of the petitioners do not get sub-merged in any manner by raising the weir (Alugu) of the tank. The road leading to the land of the petitioners in S. Nos. 176/1 and 176/2 gets submerged due to raising of weir. But the above said road is already raised above the submersion level of the water and as such road is restored and a culvert is also proposed to be constructed across the vagu to facilitate the petitioners to cross the vagu on the Northern side of the tank. It is further averred that out of the total extent of 7 acres of

land in S.No.144, only the land in an extent of Ac.0-38 cents which belongs to Sirigireddy Suryanarana Reddy (4th petitioner) gets submerged and he has already given a written consent expressing his willingness for the submergence and also for not claiming any compensation. Further, the land ad-measuring Ac.0-70 cents in S.No.145/2 gets submerged and the land owner Dayyam Venkata Reddy has given a consent letter to forego the land. The land of the petitioner No.1 in S.No.144 (extent Ac.1-75 cents) and other petitioners do not get submerged and hence they are not affected in any matter.

No reply has been filed cotroverting the statements made in the counter-affidavit.

Learned counsel for the petitioners across the Bar submits that the fourth petitioner never gave any consent for not claiming any compensation.

If that be the case, it is always open for the petitioners to claim compensation for an extent of Ac.0-38 cents which was alleged to have sub-merged, as stated in the counter-affidavit. On making such a claim, it is for the respondents to act upon the same and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

25-4-2006

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